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Attorney Docket No.: 7800.3564

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

**ROBERT ERIC MONTGOMERY**

Appln. No.: 10/039,935

Filed: November 1, 2001

For: **TOOTH BLEACHING  
COMPOSITIONS**)  
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Examiner: Donna A. Jago

Group Art Unit: 1614

Date: July 21, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**TERMINAL DISCLAIMER**

Sir:

BriteSmile Development, Inc., the owner of the entire right, title, and interest in and to the above-identified application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second U.S. Patent Application No. 10/050,196, filed on January 17, 2002. BriteSmile Development, Inc., hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it and any patent granted on U.S. Patent Application No. 10/050,196 are commonly owned. This agreement runs with any patent granted on the present application and is binding upon the grantee, and its successors or assigns.

*For Review*

In making the above disclaimer, BriteSmile Development, Inc., does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 of any patent granted on U.S. Patent Application No. 10/050,196, as shortened by any terminal disclaimer filed prior to grant thereof, in the event that any said patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to the grant thereof.

All correspondence should be sent to the attorney named below at the address shown.

Respectfully submitted,



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